

Gregory B. Thomas (SBN 239870)  
E-mail: gthomas@bwsllaw.com  
Temitayo O. Peters (SBN 309913)  
E-mail: tpeters@bwsllaw.com  
Jasper L. Hall (SBN 341113)  
E-mail: jhall@bwsllaw.com  
BURKE, WILLIAMS & SORESENSEN, LLP  
1999 Harrison Street, Suite 1650  
Oakland, California 94612-3520  
Tel: 510.273.8780 Fax: 510.839.9104

Attorneys for Defendants ALAMEDA COUNTY  
SHERIFF'S OFFICE, ALAMEDA COUNTY,  
DEPUTY JOE, and DEPUTY IGNONT  
(collectively "ALAMEDA COUNTY  
DEFENDANTS")

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ALAMEDA COUNTY MALE PRISONERS  
And Former Prisoners, DANIEL  
GONZALEZ, et al. on behalf of themselves  
and others similarly situated, as a Class, and  
Subclass;

ALAMEDA COUNTY FEMALE  
PRISONERS And Former Prisoners, JACLYN  
MOHRBACHER, ERIN ELLIS,  
DOMINIQUE JACKSON, CHRISTINA  
ZEPEDA, ALEXIS WAH, AND KELSEY  
ERWIN, et al on behalf of themselves and  
others similarly situated,

Plaintiffs,

v.

ALAMEDA COUNTY SHERIFF'S OFFICE,  
ALAMEDA COUNTY, Deputy Joe, Deputy  
Ignont (sp) John and Jane ROEs, Nos. 1 – 25,

Defendants.

Case No. 3:19-cv-07423-JSC

**DEFENDANTS COUNTY OF ALAMEDA,  
ALAMEDA COUNTY SHERIFF'S  
OFFICE, DEPUTY JOE AND DEPUTY  
IGNONT'S SECOND AMENDED  
ANSWER TO PLAINTIFFS' FIFTH  
AMENDED COMPLAINT**

Judge: Hon. Jacqueline Scott Corley

Trial Date: May 6, 2024

**COMES NOW** Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY  
SHERIFF'S OFFICE, DEPUTY JOE and DEPUTY IGNONT, hereby respond as follows to the  
Fifth Amended Complaint of Plaintiffs:

///

4893-4155-6092 v1

1

Case No. 3:19-cv-07423-JSC  
DEFTS' SECOND AMENDED ANSWER TO  
PLTFS' 5TH AMENDED COMPLAINT

1 **I. GENERAL ALLEGATIONS**

2 1. As to paragraph 1 of Plaintiffs' Fourth Amended Complaint, Defendants admit that  
3 the majority of inmates at Santa Rita Jail are pretrial detainees; however, the percentage is subject  
4 to fluctuation. Defendants deny each and every additional allegation in paragraph 1.

5 2. As to paragraph 2 of Plaintiffs' Complaint, Defendants deny this paragraph in its  
6 entirety.

7 3. As to paragraph 3 of Plaintiffs' Complaint, Defendants acknowledge the nature of  
8 the case, but deny all allegations in this paragraph in their entirety.

9 4. As to paragraph 4 of Plaintiffs' Complaint, Defendants deny this paragraph in its  
10 entirety.

11 5. As to paragraph 5 of Plaintiffs' Complaint, Defendants acknowledge the nature of  
12 the case, but deny all allegations this paragraph in their entirety.

13 6. As to paragraph 6 of Plaintiffs' Complaint, there is no paragraph 6, or it is wholly  
14 subsumed within paragraph 5.

15 7. As to paragraph 7 of Plaintiffs' Complaint, Defendants acknowledge the nature of  
16 the case, but deny any and all class allegations alleged.

17 8. As to paragraph 8 of Plaintiffs' Complaint, Defendants acknowledge the relief  
18 sought, but deny Plaintiffs' are entitled to said relief for the reasons alleged.

19 9. As to paragraph 9 of Plaintiffs' Complaint, Defendants deny any individual  
20 Plaintiffs are entitled to damages.

21 10. As to paragraph 10 of Plaintiffs' Complaint, Defendants admit that this Court has  
22 jurisdiction; however, Defendants note that Plaintiffs' claims under the Civil Rights Acts have  
23 been dismissed.

24 11. As to paragraph 11 of Plaintiffs' Complaint, Defendants admit that this Court has  
25 Jurisdiction under 28 U.S.C. section 1331, but deny that there is jurisdiction under section 1343,  
26 which has been dismissed.

27 12. As to paragraph 12 of Plaintiffs' Complaint, Defendants admit that venue is proper  
28 in this Court.

1           13. As to paragraph 13 of Plaintiffs' Complaint, Defendants admit that Plaintiffs are  
2 demanding a jury trial in this matter.

3           14. As to paragraph 14 of Plaintiffs' Complaint, Defendants deny that the named  
4 Plaintiffs have alleged any actionable facts individually and that these named Plaintiffs are  
5 representative of the class they are seeking to represent. In addition, Defendants note that the list  
6 of Plaintiffs includes persons with no claims or dismissed claims; therefore, Defendants deny that  
7 several of the named persons are Plaintiffs in this matter. To the extent that the individual  
8 Plaintiffs make individual allegations in Paragraphs 14.1-14.2.15, Defendants deny those  
9 allegations in their entirety.

10           15. As to paragraph 15 of Plaintiffs' Complaint, Defendants admit the allegations  
11 contained therein, except for Paragraph 15.4, which has been dismissed from this Action, and is  
12 therefore denied.

13           16. As to paragraph 16 of Plaintiffs' Complaint, Defendants admit, on information and  
14 belief, that Well-Path and its predecessors have a contract with Defendant Alameda County  
15 Sheriff's Office; however, Defendants do not possess sufficient knowledge to admit or deny any  
16 additional allegations contained in this paragraph.

17           17. As to paragraph 17 of Plaintiffs' Complaint, Defendants admit that Defendant  
18 Aramark has a written contract with Defendant Alameda County Sheriff's Office to operate the  
19 kitchen at Santa Rita Jail; however, Defendants do not possess sufficient knowledge to admit or  
20 deny any additional allegations contained in this paragraph.

21           18. As to paragraph 18 of Plaintiffs' Complaint, Defendants deny all allegations,  
22 including all class allegations, in this Paragraph.

23           19. As to paragraph 19 of Plaintiffs' Complaint, Defendants admit that there was a  
24 reduction in population due to the Covid-19 pandemic, but lacks sufficient information to admit or  
25 deny the exact numbers Plaintiff has alleged.

26           20. As to paragraph 20 of Plaintiffs' Complaint, Defendants deny all allegations,  
27 including all class allegations, in this Paragraph.

28           21. As to paragraph 21 of Plaintiffs' Complaint, Defendants deny all allegations,

1 including all class allegations, in this Paragraph.

2 22. As to paragraph 22 of Plaintiffs' Complaint, Defendants deny all allegations,  
3 including all class allegations, in this Paragraph.

4 23. As to paragraph 23 of Plaintiffs' Complaint, Defendants deny all allegations,  
5 including all class allegations, in this Paragraph.

6 24. As to paragraph 24 of Plaintiffs' Complaint, Defendants deny all allegations,  
7 including all class allegations, in this Paragraph.

8 25. As to paragraph 25 of Plaintiffs' Complaint, to the extent that there are any  
9 intelligible allegations, Defendants deny all such allegations, including all class allegations, in this  
10 Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
11 unintelligible.

12 26. As to paragraph 26 of Plaintiffs' Complaint , to the extent that there are any  
13 intelligible allegations, Defendants deny all such allegations, including all class allegations, in this  
14 Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
15 unintelligible.

16 27. As to paragraph 27 of Plaintiffs' Complaint, Defendants deny all allegations,  
17 including all class allegations, in this Paragraph.

18 28. As to paragraph 28 of Plaintiffs' Complaint, Defendants deny all allegations,  
19 including all class allegations, in this Paragraph.

20 29. As to paragraph 29 of Plaintiffs' Complaint , to the extent that there are any  
21 intelligible allegations, Defendants deny all such allegations, including all class allegations, in this  
22 Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
23 unintelligible.

24 30. As to paragraph 30 of Plaintiffs' Complaint, to the extent that there are any  
25 intelligible allegations, Defendants deny all such allegations, including all class allegations, in this  
26 Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
27 unintelligible. Also, any cause of action related to these allegations has been dismissed.

28 31. As to paragraph 31 of Plaintiffs' Complaint , to the extent that there are any

1 intelligible allegations, Defendants deny all such allegations, including all class allegations, in this  
 2 Paragraph; however, the Paragraph does not contain a complete sentence such that it is  
 3 unintelligible.

4 32. As to paragraph 32 of Plaintiffs' Complaint, Defendants deny all allegations,  
 5 including all class allegations, in this Paragraph.

6 33. As to paragraph 33 of Plaintiffs' Complaint, Defendants deny all allegations,  
 7 including all class allegations, in this Paragraph.

8 34. As to paragraph 34 of Plaintiffs' Complaint, Defendants deny all allegations,  
 9 including all class allegations, in this Paragraph.

10 35. As to paragraph 35 of Plaintiffs' Complaint, Defendants deny all allegations,  
 11 including all class allegations, in this Paragraph.

12 36. As to paragraph 36 of Plaintiffs' Complaint, Defendants deny all allegations,  
 13 including all class allegations, in this Paragraph.

14 37. As to paragraph 37 of Plaintiffs' Complaint, Defendants admit that Santa Rita Jail  
 15 was originally designed with the concept of locking up prisoners; however, Defendants object that  
 16 this is irrelevant to this litigation.

17 38. As to paragraph 38 of Plaintiffs' Complaint, Defendants deny all allegations in this  
 18 Paragraph.

19 39. As to paragraph 39 of Plaintiffs' Complaint, Defendants object that this is  
 20 irrelevant to this litigation. Defendants admit that Deputies receive the salaries and benefits they  
 21 deserve.

22 40. As to paragraph 40 of Plaintiffs' Complaint, Defendants object that this is  
 23 irrelevant to this litigation. Defendants admit that Deputies receive the salaries and benefits they  
 24 deserve.

25 41. As to paragraph 41 of Plaintiffs' Complaint, Defendants admit that the population  
 26 at Santa Rita Jail declined in proportion to a decrease in the overall crime rate.

27 42. As to paragraph 42 of Plaintiffs' Complaint, Defendants admit that the population  
 28 at Santa Rita Jail declined in proportion to a decrease in the overall crime rate.

43. As to paragraph 43 of Plaintiffs' Complaint, Defendants object that the material in this paragraph is irrelevant.

44. As to paragraph 44 of Plaintiffs' Complaint, Defendants deny all allegations, including all class allegations, in this Paragraph.

45. As to paragraph 45 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

46. As to paragraph 46 of Plaintiffs' Complaint, Defendants admit the allegations in this Paragraph.

47. As to paragraph 47 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph and note that such allegations refer to claims that have been dismissed.

48. As to paragraph 48 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph and note that such allegations refer to claims that have been dismissed.

49. As to paragraph 49 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph and note that such allegations refer to claims that have been dismissed.

50. As to paragraph 50 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

51. As to paragraph 51 of Plaintiffs' Complaint, Defendants admit that Plaintiffs are entitled to food that is sufficient to sustain their health.

52. As to paragraph 52 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

53. As to paragraph 53 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

54. As to paragraph 54 of Plaintiffs' Complaint, Defendants admit that there is a contract with Aramark to prepare food for prisoners at Santa Rita Jail; however, Defendants deny all other allegations in this Paragraph.

55. As to paragraph 55 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

56. As to paragraph 56 of Plaintiffs' Complaint, Defendants admit that the retail food

code requires food to be fit for human consumption.

57. As to paragraph 57 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

58. As to paragraph 58 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

59. As to paragraph 59 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

60. As to paragraph 60 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

61. As to paragraph 61 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

62. As to paragraph 62 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

63. As to paragraph 63 of Plaintiffs' Complaint, Defendants object that this paragraph is inadmissible hearsay, and deny the allegations contained therein.

64. As to paragraph 64 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

65. As to paragraph 65 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

66. As to paragraph 66 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

67. As to paragraph 67 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

68. As to paragraph 68 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

69. As to paragraph 69 of Plaintiffs' Complaint, Defendants deny all allegations in this Paragraph.

70. As to paragraph 70 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

71. As to paragraph 71 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

72. As to paragraphs 72-76 of Plaintiffs' Complaint, Defendants understand that any cause of action related to these facts has been dismissed; however, in an abundance of caution, Defendants deny the allegations in these paragraphs, as well.

73. As to paragraph 77 of Plaintiffs' Complaint, Defendants deny any factual allegations (to the extent that there are any) in this paragraph.

74. As to paragraph 78 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

75. As to paragraph 79 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

76. As to paragraph 80 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

77. As to paragraph 81 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

78. As to paragraph 82 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

79. As to paragraph 83 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

80. As to paragraph 84 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

81. As to paragraph 85 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

82. As to paragraph 86 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.

83. As to paragraph 87 of Plaintiffs' Complaint, Defendants deny all allegations in this

Paragraph.



84. As to paragraph 88 of Plaintiffs' Complaint (erroneously numbered Paragraph 87), Defendants deny all allegations in this Paragraph.

85. As to paragraph 89 of Plaintiffs' Complaint (erroneously numbered Paragraph 88), Defendants deny all allegations in this Paragraph.

86. As to paragraph 90 of Plaintiffs' Complaint (erroneously numbered Paragraph 89), Defendants deny all allegations in this Paragraph.

87. As to paragraph 91 of Plaintiffs' Complaint (erroneously numbered Paragraph 90), Defendants deny all allegations in this Paragraph.

88. As to paragraph 92 of Plaintiffs' Complaint (erroneously numbered Paragraph 91), Defendants deny all allegations in this Paragraph.

89. As to paragraph 93 of Plaintiffs' Complaint (erroneously numbered Paragraph 92), Defendants deny all allegations in this Paragraph.

90. As to paragraph 94 of Plaintiffs' Complaint (erroneously numbered Paragraph 93), Defendants deny all allegations in this Paragraph.

91. As to paragraph 95 of Plaintiffs' Complaint (erroneously numbered Paragraph 94), Defendants deny all allegations in this Paragraph.

92. As to paragraph 96 of Plaintiffs' Complaint (erroneously numbered Paragraph 95), Defendants deny all allegations in this Paragraph.

93. As to paragraph 97 of Plaintiffs' Complaint (erroneously numbered Paragraph 96), Defendants deny all allegations in this Paragraph.

94. As to paragraph 98 of Plaintiffs' Complaint (erroneously numbered Paragraph 97), Defendants deny any factual allegations in this Paragraph (to the extent that there are any).

95. As to paragraph 99 of Plaintiffs' Complaint (erroneously numbered Paragraph 98), Defendants deny any factual allegations in this Paragraph.

96. As to paragraph 100 of Plaintiffs' Complaint (erroneously numbered Paragraph 99), Defendants deny all allegations in this Paragraph.

97. As to paragraph 101 of Plaintiffs' Complaint (erroneously numbered Paragraph 100), Defendants deny all allegations in this Paragraph.

1 98. As to paragraph 102 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 101), Defendants deny all allegations in this Paragraph.

3 99. As to paragraph 103 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 102), Defendants deny all allegations in this Paragraph.

5 100. As to paragraph 104 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 103), Defendants deny all allegations in this Paragraph.

7 101. As to paragraph 105 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 104), Defendants deny all allegations in this Paragraph.

9 102. As to paragraph 106 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 105), Defendants deny all allegations in this Paragraph.

11 103. As to paragraph 107 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 106), Defendants deny all allegations in this Paragraph.

13 104. As to paragraph 108 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 107), Defendants deny all allegations in this Paragraph.

15 105. As to paragraph 109 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 108), Defendants deny all allegations in this Paragraph.

17 106. As to paragraph 110 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 109), Defendants deny all allegations in this Paragraph.

19 107. As to paragraph 111 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 110), Defendants deny all allegations in this Paragraph.

21 108. As to paragraph 112 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 111), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

23 109. As to paragraph 113 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 112), Defendants admit that, in response to the pandemic, additional cleaning procedures were  
25 implemented; however, Defendants deny all other factual allegations in this Paragraph.

26 110. As to paragraph 114 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 113), Defendants deny all allegations in this Paragraph.

28 111. As to paragraph 115 of Plaintiffs' Complaint (erroneously numbered Paragraph

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1 114), Defendants admit that the OPHU is staffed by medical personnel from Well-Path.

2 112. As to paragraph 116 of Plaintiffs' Complaint (erroneously numbered Paragraph  
3 115), Defendants deny all allegations in this Paragraph.

4 113. As to paragraph 117 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 116), Defendants deny all allegations in this Paragraph.

6 114. As to paragraph 118 of Plaintiffs' Complaint (erroneously numbered Paragraph  
7 117), Defendants deny all allegations in this Paragraph.

8 115. As to paragraph 119 of Plaintiffs' Complaint (erroneously numbered Paragraph  
9 118), Defendants deny all allegations in this Paragraph.

10 116. As to paragraph 120 of Plaintiffs' Complaint (erroneously numbered Paragraph  
11 119), Defendants deny all allegations in this Paragraph.

12 117. As to paragraph 121 of Plaintiffs' Complaint (erroneously numbered Paragraph  
13 120), Defendants deny all allegations in this Paragraph.

14 118. As to paragraph 122 of Plaintiffs' Complaint (erroneously numbered Paragraph  
15 121), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
16 sufficient information to admit or deny the rest of the allegations in this Paragraph.

17 119. As to paragraph 123 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 122), to the extent that there are any factual allegations, Defendants deny all allegations in this  
19 Paragraph.

20 120. As to paragraph 124 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 123), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
22 sufficient information to admit or deny the rest of the allegations in this Paragraph.

23 121. As to paragraph 125 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 124), Defendants admit that there is a written contract with Well-Path; however, Defendants lack  
25 sufficient information to admit or deny the rest of the allegations in this Paragraph.

26 122. As to paragraph 126 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 125), Defendants admit the allegations in this Paragraph.

28 123. As to paragraph 127 of Plaintiffs' Complaint (erroneously numbered Paragraph

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126), Defendants admit that there is a written contract with Well-Path; however, Defendants lack sufficient information to admit or deny the rest of the allegations in this Paragraph.

124. As to paragraph 128 of Plaintiffs' Complaint (erroneously numbered Paragraph 127), Defendants admit that Well-Path, as the medical provider, should and does make medical decisions regarding patient care without input from County Defendants; however, Defendants deny the rest of the allegations in this Paragraph.

125. As to paragraph 129 of Plaintiffs' Complaint (erroneously numbered Paragraph 128), Defendants admit that Well-Path, as the medical provider, should and does make medical decisions regarding patient care without input from County Defendants; however, Defendants deny the rest of the allegations in this Paragraph.

126. As to paragraph 130 of Plaintiffs' Complaint (erroneously numbered Paragraph 129), to the extent that there are any factual allegations, Defendants deny all allegations in this Paragraph.

127. As to paragraph 131 of Plaintiffs' Complaint (erroneously numbered Paragraph 130), to the extent that there are any factual allegations, Defendants deny all allegations in this Paragraph.

128. As to paragraph 132 of Plaintiffs' Complaint (erroneously numbered Paragraph 131), to the extent that there are any factual allegations, Defendants deny all allegations in this Paragraph.

129. As to paragraph 133 of Plaintiffs' Complaint (erroneously numbered Paragraph 132), to the extent that there are any factual allegations, Defendants deny all allegations in this Paragraph.

130. As to paragraph 134 of Plaintiffs' Complaint (erroneously numbered Paragraph 133), to the extent that there are any factual allegations, Defendants deny all allegations in this Paragraph.

131. As to paragraph 135 of Plaintiffs' Complaint (erroneously numbered Paragraph 134), to the extent that there are any factual allegations, Defendants deny all allegations in this Paragraph.

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1 132. As to paragraph 136 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 135), to the extent that there are any factual allegations, Defendants deny all allegations in this  
3 Paragraph.

4 133. As to paragraph 137 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 136), to the extent that there are any factual allegations, Defendants deny all allegations in this  
6 Paragraph.

7 134. As to paragraph 138 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 137), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

9 135. As to paragraph 139 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 138), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

11 136. As to paragraph 140 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 139), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

13 137. As to paragraph 141 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 140), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

15 138. As to paragraph 142 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 141), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

17 139. As to paragraph 143 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 142), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

19 140. As to paragraph 144 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 143), Defendants deny the allegations in this Paragraph.

21 141. As to paragraph 145 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 144), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

23 142. As to paragraph 146 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 145), Defendants admit that prisoners are not allowed to bring drugs in from outside the facility;  
25 however, Defendants deny that they are denying access to medication and lack sufficient  
26 information to admit or deny whether Well-Path has made the medical determination as to whether  
27 such medication was needed.

28 143. As to paragraph 147 of Plaintiffs' Complaint (erroneously numbered Paragraph

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1 146), Defendants deny the allegations in this Paragraph.

2 144. As to paragraph 148 of Plaintiffs' Complaint (erroneously numbered Paragraph  
3 147), Defendants admit that, for housing requests based on specific medical requirements, those  
4 decisions must come from medical professionals. To the extent that Plaintiffs have difficulty  
5 obtaining such medical orders, Defendants lack sufficient information to admit or deny that  
6 allegation.

7 145. As to paragraph 149 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 148), Defendants admit that, for housing requests based on specific medical requirements, those  
9 decisions must come from medical professionals. To the extent that Plaintiffs have difficulty  
10 obtaining such medical orders, Defendants lack sufficient information to admit or deny that  
11 allegation.

12 146. As to paragraph 150 of Plaintiffs' Complaint (erroneously numbered Paragraph  
13 149), Defendants admit that, for housing requests based on specific medical requirements, those  
14 decisions must come from medical professionals. Defendants deny any additional factual  
15 allegations in this paragraph.

16 147. As to paragraph 151 of Plaintiffs' Complaint (erroneously numbered Paragraph  
17 150), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

18 148. As to paragraph 152 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 151), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

20 149. As to paragraph 153 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 152), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

22 150. As to paragraph 154 of Plaintiffs' Complaint (erroneously numbered Paragraph  
23 143), Defendants admit that prisoners are not permitted to bring drugs into the facility. Defendants  
24 lack sufficient information to admit or deny the rest of the allegations in this Paragraph.

25 151. As to paragraph 155 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 154), Defendants lack sufficient information to admit or deny the allegations in the first sentence.  
27 Defendants deny the remaining allegations in this Paragraph.

28 152. As to paragraph 156 of Plaintiffs' Complaint (erroneously numbered Paragraph

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1 155), Defendants admit the allegations in the first sentence. Defendants lack sufficient information  
 2 to admit or deny the allegations in the second, third, and fourth sentences. Defendants deny the  
 3 allegations in the fifth sentence, Defendants lack sufficient information to admit or deny the  
 4 allegations in the sixth sentence. Defendants deny the allegations in the seventh and eighth  
 5 sentences. Defendants lack sufficient information to admit or deny the remainder of the allegations  
 6 in this Paragraph.

7 153. As to paragraph 157 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 8 156), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

9 154. As to paragraph 158 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 10 157), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

11 155. As to paragraph 159 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 12 158), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

13 156. As to paragraph 160 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 14 159), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

15 157. As to paragraph 161 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 16 160), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

17 158. As to paragraph 162 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 18 161), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

19 159. As to paragraph 163 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 20 162), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

21 160. As to paragraph 164 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 22 163), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

23 161. As to paragraph 165 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 24 164), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

25 162. As to paragraph 166 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 26 165), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

27 163. As to paragraph 167 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 28 166), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

1 164. As to paragraph 168 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 167), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

3 165. As to paragraph 169 of Plaintiffs' Complaint (erroneously numbered Paragraph  
4 168), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

5 166. As to paragraph 170 of Plaintiffs' Complaint (erroneously numbered Paragraph  
6 169), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

7 167. As to paragraph 171 of Plaintiffs' Complaint (erroneously numbered Paragraph  
8 170), Defendants lack sufficient information to admit or deny the allegations in the first seven  
9 sentences. Defendants deny the remaining allegations in this Paragraph.

10 168. As to paragraph 172 of Plaintiffs' Complaint (erroneously numbered Paragraph  
11 171), Defendants deny the allegations in this Paragraph.

12 169. As to paragraph 173 of Plaintiffs' Complaint (erroneously numbered Paragraph  
13 172), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

14 170. As to paragraph 174 of Plaintiffs' Complaint (erroneously numbered Paragraph  
15 173), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

16 171. As to paragraph 175 of Plaintiffs' Complaint (erroneously numbered Paragraph  
17 174), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

18 172. As to paragraph 176 of Plaintiffs' Complaint (erroneously numbered Paragraph  
19 175), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

20 173. As to paragraph 177 of Plaintiffs' Complaint (erroneously numbered Paragraph  
21 176), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

22 174. As to paragraph 178 of Plaintiffs' Complaint (erroneously numbered Paragraph  
23 177), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

24 175. As to paragraph 179 of Plaintiffs' Complaint (erroneously numbered Paragraph  
25 178), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

26 176. As to paragraph 180 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 179), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

28 177. As to paragraph 181 of Plaintiffs' Complaint (erroneously numbered Paragraph



1 180), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

2 178. As to paragraph 182 of Plaintiffs' Complaint (erroneously numbered Paragraph  
3 181), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

4 179. As to paragraph 183 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 182), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

6 180. As to paragraph 184 of Plaintiffs' Complaint (erroneously numbered Paragraph  
7 183), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

8 Except as to the last sentence, which Defendants deny.

9 181. As to paragraph 185 of Plaintiffs' Complaint (erroneously numbered Paragraph  
10 184), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

11 182. As to paragraph 186 of Plaintiffs' Complaint (erroneously numbered Paragraph  
12 185), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

13 183. As to paragraph 187 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 186), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

15 184. As to paragraph 188 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 187), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

17 185. As to paragraph 189 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 188), Defendants deny the allegations in this Paragraph.

19 186. As to paragraph 190 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 189), Defendants admit that this was part of the Covid-19 Outbreak Plan in August of 2020.

21 187. As to paragraph 191 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 190), Defendants deny the allegations in this Paragraph.

23 188. As to paragraph 192 of Plaintiffs' Complaint (erroneously numbered Paragraph  
24 191), Defendants deny the allegations in this Paragraph.

25 189. As to paragraph 193 of Plaintiffs' Complaint (erroneously numbered Paragraph  
26 192), Defendants lack sufficient information to admit or deny the allegations in this Paragraph,  
27 except that Defendants deny that there was a "mass outbreak" at any time.

28 190. As to paragraphs 194-199 of Plaintiffs' Complaint (erroneously numbered

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1 Paragraphs 193-198), Defendants recognize that any related claims have been dismissed, but, in  
 2 an abundance of caution, Defendants deny the allegations in these Paragraphs.

3 191. As to paragraph 201 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 4 200), Defendants admit that on or around that date, dismissed Defendant Hesselein entered the  
 5 common area of housing unit 31 in the company of others (race and ages unknown to Defendants).

6 192. As to paragraph 202 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 7 201), Defendants deny the allegations in this Paragraph.

8 193. As to paragraph 203 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 9 202), Defendants deny the allegations in this Paragraph.

10 194. As to paragraph 204 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 11 203), Defendants deny the allegations in this Paragraph.

12 195. As to paragraph 205 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 13 204), Defendants deny the allegations in this Paragraph.

14 196. As to paragraph 206 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 15 205), Defendants deny the allegations in this Paragraph.

16 197. As to paragraph 207 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 17 206), Defendants deny the allegations in this Paragraph.

18 198. As to paragraph 208 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 19 207), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

20 199. As to paragraph 209 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 21 208), Defendants deny the allegations in this Paragraph.

22 200. As to paragraph 210 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 23 209), Defendants deny the allegations in this Paragraph.

24 201. As to paragraph 211 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 25 210), Defendants deny the allegations in this Paragraph.

26 202. As to paragraph 212 of Plaintiffs' Complaint (erroneously numbered Paragraph  
 27 211), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

28 203. As to paragraph 213 of Plaintiffs' Complaint (erroneously numbered Paragraph

212), Defendants deny the allegations in this Paragraph.

204. As to paragraph 214 of Plaintiffs' Complaint (erroneously numbered Paragraph 213), Defendants object to this paragraph as speculation and conjecture. To the extent that there are facts alleged in this paragraph, Defendants deny those factual allegations.

205. As to paragraph 215 of Plaintiffs' Complaint (erroneously numbered Paragraph 214), Defendants deny the allegations in this Paragraph.

206. As to paragraph 216 of Plaintiffs' Complaint (erroneously numbered Paragraph 215), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

207. As to paragraph 217 of Plaintiffs' Complaint (erroneously numbered Paragraph 216), Defendants lack sufficient information to admit or deny the allegations in this Paragraph.

208. As to paragraph 218 of Plaintiffs' Complaint (erroneously numbered Paragraph 217), Defendants deny all allegations in this Paragraph except for the first sentence, which Defendants lack sufficient information to admit or deny.

209. As to paragraph 219 of Plaintiffs' Complaint (erroneously numbered Paragraph 218), Defendants deny the allegations in this Paragraph and note that any class claims related to these allegations have been dismissed.

210. As to paragraph 220 of Plaintiffs' Complaint (erroneously numbered Paragraph 219), Defendants deny the allegations in this Paragraph.

211. As to paragraph 221 of Plaintiffs' Complaint (erroneously numbered Paragraph 220), Defendants deny the allegations in this Paragraph.

212. As to paragraph 222 of Plaintiffs' Complaint (erroneously numbered Paragraph 221), Defendants deny the allegations in this Paragraph.

## **II. CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER**

#### **42 U.S.C. § 1983 FOURTEENTH AMENDMENT**

#### **Sufficient, Unspoilt, Food Necessary To Sustain Health**

213. As to paragraph 223 of Plaintiffs' Complaint (erroneously numbered Paragraph 222), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

1           214. As to paragraph 224 of Plaintiffs' Complaint (erroneously numbered Paragraph  
2 223), to the extent that there are allegations of fact in this paragraph, Defendants deny those  
3 allegations.

4           215. As to paragraph 225 of Plaintiffs' Complaint (erroneously numbered Paragraph  
5 224), Defendants deny the allegations in this paragraph in their entirety.

6           216. As to paragraph 226 of Plaintiffs' Complaint (erroneously numbered Paragraph  
7 225), Defendants deny the allegations in this paragraph in their entirety.

8           217. As to paragraph 227 of Plaintiffs' Complaint (erroneously numbered Paragraph  
9 226), Defendants deny the allegations in this paragraph in their entirety.

10           **SECOND CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS**

11                   **UNDER 42 U.S.C. § 1983 EIGHTH AMENDMENT**

12                   **Sufficient, Non-Contaminated, Food Necessary To Sustain Health**

13           218. As to paragraph 228 of Plaintiffs' Complaint (erroneously numbered Paragraph  
14 227), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

15           219. As to paragraph 229 of Plaintiffs' Complaint (erroneously numbered Paragraph  
16 228), Defendants deny the allegations in this paragraph in their entirety.

17           220. As to paragraph 230 of Plaintiffs' Complaint (erroneously numbered Paragraph  
18 229), Defendants deny the allegations in this paragraph in their entirety.

19           221. As to paragraph 231 of Plaintiffs' Complaint (erroneously numbered Paragraph  
20 230), Defendants deny the allegations in this paragraph in their entirety.

21           222. As to paragraph 232 of Plaintiffs' Complaint (erroneously numbered Paragraph  
22 231), Defendants deny the allegations in this paragraph in their entirety.

23           **THIRD CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER**

24                   **42 U.S.C. § 1983 FOURTEENTH AMENDMENT**

25                   **Medical Services**

26           223. As to paragraph 233 of Plaintiffs' Complaint (erroneously numbered Paragraph  
27 232), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

28           224. As to paragraph 234 of Plaintiffs' Complaint (erroneously numbered Paragraph

233), to the extent that there are allegations of fact in this paragraph, Defendants deny those allegations.

225. As to paragraph 235 of Plaintiffs' Complaint (erroneously numbered Paragraph 234), these claims have been dismissed; however, Defendants deny these allegations to the extent that they are relevant to any other claims for relief.

226. As to paragraph 236 of Plaintiffs' Complaint (erroneously numbered Paragraph 235), these claims have been dismissed; however, Defendants deny these allegations to the extent that they are relevant to any other claims for relief.

227. As to paragraph 237 of Plaintiffs' Complaint (erroneously numbered Paragraph 236), Defendants deny the allegations in this paragraph in their entirety.

228. As to paragraph 238 of Plaintiffs' Complaint (erroneously numbered Paragraph 237), Defendants deny the allegations in this paragraph in their entirety.

229. As to paragraph 239 of Plaintiffs' Complaint (erroneously numbered Paragraph 238), Defendants deny the allegations in this paragraph in their entirety.

**FOURTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS**

**UNDER 42 U.S.C. § 1983 EIGHTH AMENDMENT**

**Medical Services**

230. As to paragraph 240 of Plaintiffs' Complaint (erroneously numbered Paragraph 239), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

231. As to paragraph 241 of Plaintiffs' Complaint (erroneously numbered Paragraph 240), to the extent that there are allegations of fact in this paragraph, Defendants deny those allegations.

232. As to paragraph 242 of Plaintiffs' Complaint (erroneously numbered Paragraph 241), these claims have been dismissed; however, Defendants deny these allegations to the extent that they are relevant to any other claims for relief.

233. As to paragraph 243 of Plaintiffs' Complaint (erroneously numbered Paragraph 242), these claims have been dismissed; however, Defendants deny these allegations to the extent that they are relevant to any other claims for relief.

234. As to paragraph 244 of Plaintiffs' Complaint (erroneously numbered Paragraph 243), Defendants deny the allegations in this paragraph in their entirety.

235. As to paragraph 245 of Plaintiffs' Complaint (erroneously numbered Paragraph 244), Defendants deny the allegations in this paragraph in their entirety.

236. As to paragraph 246 of Plaintiffs' Complaint (erroneously numbered Paragraph 245), Defendants deny the allegations in this paragraph in their entirety.

237. As to paragraph 247 of Plaintiffs' Complaint (erroneously numbered Paragraph 246), Defendants deny the allegations in this paragraph in their entirety.

**FIFTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER**  
**42 U.S.C. § 1983 FOURTEENTH AMENDMENT**

**Adequate Sanitation**

238. As to paragraph 248 of Plaintiffs' Complaint (erroneously numbered Paragraph 247), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

239. As to paragraph 249 of Plaintiffs' Complaint (erroneously numbered Paragraph 248), to the extent that there are allegations of fact in this paragraph, Defendants deny those allegations.

240. As to paragraph 250 of Plaintiffs' Complaint (erroneously numbered Paragraph 249), Defendants deny the allegations in this paragraph in their entirety.

241. As to paragraph 251 of Plaintiffs' Complaint (erroneously numbered Paragraph 250), Defendants deny the allegations in this paragraph in their entirety.

242. As to paragraph 252 of Plaintiffs' Complaint (erroneously numbered Paragraph 251), Defendants deny the allegations in this paragraph in their entirety.

243. As to paragraph 253 of Plaintiffs' Complaint (erroneously numbered Paragraph 252), Defendants deny the allegations in this paragraph in their entirety.

**SIXTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER**  
**42 U.S.C. § 1983 EIGHTH AMENDMENT**

**Adequate Sanitation**

244. As to paragraph 254 of Plaintiffs' Complaint (erroneously numbered Paragraph

253), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

245. As to paragraph 255 of Plaintiffs' Complaint (erroneously numbered Paragraph 254), to the extent that there are allegations of fact in this paragraph, Defendants deny those allegations.

246. As to paragraph 256 of Plaintiffs' Complaint (erroneously numbered Paragraph 255), Defendants deny the allegations in this paragraph in their entirety.

247. As to paragraph 257 of Plaintiffs' Complaint (erroneously numbered Paragraph 256), Defendants deny the allegations in this paragraph in their entirety.

248. As to paragraph 258 of Plaintiffs' Complaint (erroneously numbered Paragraph 257), Defendants deny the allegations in this paragraph in their entirety.

249. As to paragraph 259 of Plaintiffs' Complaint (erroneously numbered Paragraph 258), Defendants deny the allegations in this paragraph in their entirety.

**SIXTH CLAIM FOR RELIEF: DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER**

**42 U.S.C. § 1983 FIRST AMENDMENT**

250. As to paragraph 260 of Plaintiffs' Complaint (erroneously numbered Paragraph 259), Defendants adopt their responses as outlined above to the allegations in this Paragraph.

251. As to paragraph 261 of Plaintiffs' Complaint (erroneously numbered Paragraph 260), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's individual claim against Defendants. With that caveat, Defendants deny the allegations in this paragraph in their entirety.

252. As to paragraph 262 of Plaintiffs' Complaint (erroneously numbered Paragraph 261), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's individual claim against Defendants. With that caveat Defendants admit the allegation in this Paragraph.

253. As to paragraph 263 of Plaintiffs' Complaint (erroneously numbered Paragraph 262), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's individual claim against Defendants. With that caveat Defendants deny the allegations in this paragraph in their entirety.

254. As to paragraph 264 of Plaintiffs' Complaint (erroneously numbered Paragraph 263), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's individual claim against Defendants. With that caveat Defendants deny the allegations in this paragraph in their entirety.

255. As to paragraph 265 of Plaintiffs' Complaint (erroneously numbered Paragraph 264), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's individual claim against Defendants. With that caveat Defendants deny the allegations in this paragraph in their entirety.

256. As to paragraph 266 of Plaintiffs' Complaint (erroneously numbered Paragraph 265), Defendants note that these claims have been dismissed except for Plaintiff Gerrans's individual claim against Defendants. With that caveat Defendants deny the allegations in this paragraph in their entirety.

### III. AFFIRMATIVE DEFENSES

#### **FIRST AFFIRMATIVE DEFENSE**

##### **~~(Failure to State a Valid Claim)~~**

~~To the extent the Complaint, and each and every purported cause of action contained therein, fails to set forth facts sufficient to state a cause of action, Plaintiffs are barred from any recovery against Defendant.~~

#### **~~SECOND~~FIRST AFFIRMATIVE DEFENSE**

##### **(Qualified Immunity)**

To the extent the Complaint, and each and every purported cause of action contained therein, alleges actions taken by law enforcement officers acting in the course and scope of their duties, Defendants are immune from liability, and Plaintiffs are barred from any recovery against Defendant.

#### **THIRD AFFIRMATIVE DEFENSE**

##### **(Rational Basis)**

~~To the extent the Complaint, and each and every purported cause of action contained therein, alleges an interference with Plaintiffs' rights, Defendants had a legitimate state interest in~~



1 enforcing the rules and policies related to the need to provide a safe and secure jail, and Defendants  
2 had a rational basis for taking the actions they took.

#### 3 **FOURTH AFFIRMATIVE DEFENSE**

##### 4 **(Compelling Government Interest)**

5 To the extent the Complaint, and each and every purported cause of action contained  
6 therein, alleges an interference with Plaintiffs' fundamental rights, Defendants had a compelling  
7 government interest related to the actions taken, and no less restrictive measures were available;  
8 therefore, Plaintiffs are barred from any recovery against Defendant.

#### 9 **FIFTH AFFIRMATIVE DEFENSE**

##### 10 **(Legitimate, Non-Discriminatory Reason)**

11 Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because  
12 Defendants had legitimate, non-discriminatory reasons for the alleged conduct, and that they  
13 would have made the same decisions even in the absence of any purported unlawful motive.

#### 14 **SIXTH SECOND AFFIRMATIVE DEFENSE**

##### 15 **(Statute of Limitations)**

16 To the extent that Plaintiffs allege issues and activities that occurred outside of the time-  
17 window proscribed by the statute of limitations (Cal. Code Civ. Proc., § 338(1)), Plaintiffs' actions  
18 are time-barred.

#### 19 **SEVENTH AFFIRMATIVE DEFENSE**

##### 20 **(Laches)**

21 To the extent that Plaintiffs and/or putative class members seek equitable relief for matters  
22 in which they sat on their rights to the detriment of Defendants, these actions are barred by the  
23 doctrine of laches.

#### 24 **EIGHTH THIRD AFFIRMATIVE DEFENSE**

##### 25 **(Unclean Hands)**

26 Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because  
27 Plaintiffs should not be allowed to profit off their own wrongdoing.

28 ~~---~~

**NINTH AFFIRMATIVE DEFENSE****(Exclusive Remedy)**

~~To the extent that Plaintiffs allege violations of their property interest, there was an alternate remedy available under state tort law, and Plaintiffs' claims for relief under Section 1983 are time barred.~~

**~~TENTH~~ FOURTH AFFIRMATIVE DEFENSE****(Failure to Mitigate)**

Plaintiffs have failed to mitigate any or all of the damages alleged in the Complaint; therefore, they are precluded from recovering these damages.

**ELEVENTH AFFIRMATIVE DEFENSE****(Necessity)**

~~Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because the actions taken by Defendants were made necessary by emergency circumstances, including the outbreak of the COVID-19 pandemic.~~

**TWELFTH AFFIRMATIVE DEFENSE****(Negligence or Willful Conduct of Plaintiffs)**

~~Each and every purported cause of action in Plaintiffs' Complaint is the result, at least in part, of the negligence and/or willful conduct of Plaintiffs themselves; therefore, they should be barred from recovery or their damages should be mitigated by their relative fault.~~

**~~THIRTEENTH~~ FIFTH AFFIRMATIVE DEFENSE****(Acts of Third Parties)**

Each and every purported cause of action alleged in Plaintiffs' Complaint is barred because, to the extent that Plaintiffs incurred damages, those damages were the result of actions by third parties, either negligent or intentional.

**FOURTEENTH AFFIRMATIVE DEFENSE****(Reliance on Appropriate Professionals)**

~~To the extent that Plaintiffs allege damages or deprivation of their rights related to medical needs, Defendants arranged for treatment and decision making by the appropriate medical professionals~~

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1 ~~and relied on the decisions of those professionals. These answering Defendants took no part in~~  
 2 ~~medical decision making.~~

3 ~~FIFTEENTH AFFIRMATIVE DEFENSE~~

4 ~~(Plaintiffs at Fault)~~

5 ~~To the extent that Plaintiffs allege damages or deprivation of their rights related to medical~~  
 6 ~~needs, Plaintiffs had a responsibility to follow the advice of medical professionals, and, to the~~  
 7 ~~extent that they failed to do so, Plaintiffs are responsible for the outcomes of that failure.~~

8 ~~SIXTEENTH~~ SIXTH AFFIRMATIVE DEFENSE

9 (Exhaustion of Remedies)

10 Defendants allege that Plaintiffs' claims are barred, in whole or in part, by their failure to  
 11 comply with and/or exhaust any and all administrative and other available remedies.

12 ~~SEVENTEENTH~~ SEVENTH AFFIRMATIVE DEFENSE

13 (Res Judicata/Collateral Estoppel)

14 Defendants allege that Plaintiffs' claims are barred or limited, in whole or in part, by res  
 15 judicata or collateral estoppel.

16  
 17 **IV. DEMAND FOR TRIAL BY JURY**

18 Defendants COUNTY OF ALAMEDA, ALAMEDA COUNTY SHERIFF'S OFFICE,  
 19 DEPUTY JOE and DEPUTY IGNONT, hereby demand a trial by jury.

20 //

21 **V. PRAYER**

22 The remainder of Plaintiffs' Complaint contains Plaintiffs' request for relief, to which no  
 23 response is required. To the extent a response is deemed required, Defendants denies each and  
 24 every allegation contained therein and specifically denies that Plaintiff is entitled to any relief.

25 Except as expressly admitted above, Defendants denies each and every allegation  
 26 contained in Plaintiff's Complaint.

27 **WHEREFORE**, these answering Defendants pray for judgment herein as follows:

- 28 1. That Plaintiffs take nothing by way of his Complaint on file herein,

2. For costs of suit incurred herein;
3. For those costs, fees, and expenses incurred in the defense of the Complaint;
4. For attorney's fees according to proof; and

For such other and further relief as the Court may deem just and proper.

Dated: ~~July 28, 2023~~ August 31, 2023

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ ~~Gregory B. Thomas~~ Temitayo O. Peters  
Gregory B. Thomas  
Temitayo O. Peters  
Jasper L. Hall  
Attorneys for Defendants ALAMEDA  
COUNTY SHERIFF'S OFFICE,  
ALAMEDA COUNTY, DEPUTY JOE, and  
DEPUTY IGNONT (collectively  
"ALAMEDA COUNTY DEFENDANTS")